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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Date: October 1, 2004

RANDALL J. HUEBNER

Serial No.

10/717,399

Group Art Unit 3732

Filed

November 19, 2003

For

BONE PLATES WITH REFERENCE MARKS

Mail Stop AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Sir:

# <u>INFORMATION DISCLOSURE STATEMENT</u> <u>UNDER 37 C.F.R. §§ 1.56, 1.97, and 1.98</u>

Applicant is submitting this Information Disclosure Statement pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98 to disclose to the U.S. Patent and Trademark Office the patents, publications, applications, and/or other references listed on the enclosed, completed PTO-1449 form(s). The filing of this Information Disclosure Statement should not be construed as a representation that a search has been made or as an admission that the listed references are prior art for this application. Applicant respectfully requests that the listed references be expressly considered during prosecution of the application, and that the references be made of record therein and appear among the "references cited" on any patents issuing therefrom.

#### CONTENT OF DISCLOSURE

This Information Disclosure Statement includes (1) 19 pages of PTO-1449 forms, and (2) a legible copy of each foreign and non-patent reference, if any, listed on the form(s). However, because this application was filed on or after July 1, 2003, no copies of U.S. patents or published U.S. patent applications are included.

## FOREIGN-LANGUAGE REFERENCES

A concise explanation of the relevance of each listed reference not in the English language follows:

French Patent Document No. 2405705 – This document appears to disclose a bone fixation device, as illustrated in the figures.

French Patent Document No. 2406429 – This document appears to disclose a bone fixation device, as illustrated in the figures.

Soviet Union Patent Document No. 862937 – This document appears to disclose a bone fixation device, as illustrated in the figures.

Soviet Union Patent Document No. 1049054 – This document appears to disclose a bone fixation device, as illustrated in the figures.

Soviet Union Patent Document No. 1223901 – This document appears to disclose a bone fixation device, as illustrated in the figures.

Soviet Union Patent Document No. 1225556 – This document appears to disclose a bone fixation device, as illustrated in the figures.

Soviet Union Patent Document No. 1683724 – This document appears to disclose a bone fixation device, as illustrated in the figures.

Page 2 – INFORMATION DISCLOSURE STATEMENT . . . Serial No. 10/717,399

### TIMING OF DISCLOSURE / FEE INFORMATION

This Information Disclosure Statement is being filed, to the best of the undersigned's knowledge, either (1) before the mailing of a first Office action on the merits, or (2) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. § 1.114. Therefore, in accordance with 37 C.F.R. § 1.97(b), no fee or statement under 37 C.F.R. § 1.97(e) is required.

Please contact the undersigned with any questions or comments regarding this Information Disclosure Statement.

Respectfully submitted,

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Attorney for Assignee

#### **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on October 1, 2004.

Renee Knight

PTO/SB/21 (09-04) Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE the Paperwork Reduction Act of 1995, no persons are required to respond to ection of information unless it displays a valid OMB control number. Application Number 10/717,399 Filing Date TRANSMITTAL November 19, 2003 **FORM** First Named Inventor Randall J. Huebner Art Unit 3732 **Examiner Name** (to be used for all correspondence after initial filing) Attorney Docket Number 23+ ACM 371 Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance Communication to TC Fee Transmittal Form Drawing(s) Appeal Communication to Board Fee Attached Licensing-related Papers of Appeals and Interferences Appeal Communication to TC Petition Amendment/Reply (Appeal Notice, Brief, Reply Brief) Petition to Convert to a Proprietary Information After Final Provisional Application Power of Attorney, Revocation Affidavits/declaration(s) Change of Correspondence Address Status Letter Other Enclosure(s) (please Identify Terminal Disclaimer **Extension of Time Request** below): 1. Form PTO-1449 (19 pages) Request for Refund Express Abandonment Request 2. Foreign Patent Documents (35) 3. Other Documents (40) CD, Number of CD(s) Information Disclosure Statement Landscape Table on CD Certified Copy of Priority Remarks Document(s) Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name Kolisch Hartwell, P.C.

Date	\ October 1, 2004		Reg. No.	42,253
	CERTIF	ICATE OF TRAN	SMISSION/MA	ILING
I hereby ce sufficient po the date sh	ostage as first class mail in an envelope :	esimile transmitted to the addressed to: Commis	he USPTO or depo- sioner for Patents,	sited with the United States Postal Service with P.O. Box 1450, Alexandria, VA 22313-1450 on
Signature	Day IM	ChV	•	

Signature

Printed name

Typed or printed name

Jarhes R. Abney, Esq.

Renee Knight

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

October 1, 2004

FORM PTO-14	149		DOCKET NUMBER ACM 371		<del></del>	ION NUM	BER				
1	ORMATION DISCL		APPLICANT(S) Randall J. Huebner								
			FILING DATE November 19, 2003		ROUP AR	T UNIT					
		U.S. PAT	ENT DOCUMENTS				_				
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CI		SUB LASS	FIL. DATE IF APPROP.				
	820,503	5/15/06	Krengel et al.								
	869,697	10/29/07	Eilhauer et al.								
	1,105,105	7/28/14	Sherman								
	1,889,239	11/29/32	Crowley								
	2,406,832	9/3/46	Hardinge								
	2,443,363	6/15/48	Townsend et al.								
	2,489,870	11/29/49	Dzus								
	2,494,229	1/10/50	Collison								
	2,526,959	10/24/50	Lorenzo								
	2,580,821	1/1/52	Nicola								
	2,583,896	1/29/52	Siebrandt								
		FOREIGN P.	ATENT DOCUMENT	ΓS							
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		OTHE	R DOCUMENTS	I							
	McBride S.M.O.	Stainless Steel Box	ne Plates brochure, DePuy	, Inc., 19	43.						
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EXAMINER			DATE CONSIDERED								

FORM PTO-1	449		DOCKET NUMBER ACM 371		APPLIO 10/7		ON NUME	BER
	ORMATION DISCL ATION IN AN APPL		APPLICANT(S) Randall J. Huebne	er				
			FILING DATE November 19, 20	03	GROUI 3732		T UNIT	
		U.S. PAT	ENT DOCUMENTS	S				
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME		CLASS	SU CL		FIL. DATE F APPROP.
	2,737,835	3/13/56	Herz					
	3,025,853	3/20/62	Mason					
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	3,900,025	8/19/75	Barnes, Jr.					
		FOREIGN P	ATENT DOCUMEN	VTS				
	DOCUMENT NUMBER	DATE	COUNTRY	CLA		UB .ASS	TRAN YES	SLATION NO
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		U.S. PAT	ENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CL			IL. DATE APPROP.			
	3,901,064	8/26/75	Jacobson							
	3,939,497	2/24/76	Heimke et al.							
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	4,364,382	12/21/82								
	4,388,921	6/21/83	Sutter et al.							
	4,408,601	10/11/83	Wenk							
	4,457,307	7/3/84	Stillwell							
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		FOREIGN P.	ATENT DOCUMEN	TS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANS YES	SLATION NO			
	0362049B1	5/13/92	EPO			XX				
	2367479	5/12/78	France			XX				
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EXAMINER			DATE CONSIDERED							

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		U.S. PAT	ENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CL			IL. DATE APPROP.		
	4,506,681	3/26/85	Mundell				-		
	4,565,192	1/21/86	Shapiro						
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	4,718,413	1/12/88	Johnson						
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FORM PTO-14	449		DOCKET NUMBER ACM 371		1	CATIO 717,39	ON NUMB	ER		
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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME		CLASS			FIL. DATE FAPPROP.		
	4,759,350	7/26/88	Dunn et al.							
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	4,823,780	4/25/89	Odensten et al.							
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	4,903,691	2/27/90	Heinl							
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	4,973,332	11/27/90	K	ummer							
	4,988,350	1/29/91	Н	erzberg							
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	5,085,660	2/4/92	Li	n							
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	2674118	9/25/92	Fr	ance				XX	K		
	2515430	11/13/75	G	ermany			-	XX	ζ .		
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	Salvage of Tibial Pilon Fractures Using Fusion of the Ankle with a 90° Cannulated Blade Plate: A Preliminary Report, Morgan et al., Foot & Ankle International, Vol. 20, No. 6, pp. 375-378, June 1999.										
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<del></del>	5,201,737	4/13/93	Leibinger et al.					
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<b>]</b>	ORMATION DISCL ATION IN AN APPL		APPLICANT(S) Randall J. Huebner							
			FILING DATE November 19, 200		GROUP 3732	ART UN	IT			
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	5,290,288	3/1/94	Vignaud et al.							
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	610518	6/15/78	Soviet Union			2	ΚX			
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	ORMATION DISC ATION IN AN APPI		APPLICANT(S) Randall J. Huebne	er_		_		
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	ORMATION DISC: ATION IN AN APPI			PLICANT(S) Randall J. Huebner	r					
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	5,722,976	3/3/98	B	rown						
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	5,772,662	6/30/98	C	napman et al.						
	5,807,396	9/15/98	R	aveh						
		FOREIGN P	ATI	ENT DOCUMEN	TS					
	DOCUMENT NUMBER	DATE		COUNTRY	CLA	ss	SUB CLASS		ANSL	ATION NO
	1192806	11/23/85	Sc	viet Union				XX		
	1223901	4/15/86	So	oviet Union				-		XX
		OTHE	R D	OCUMENTS				•		
	Titanium Wire I	Plate Osteosynthesis AG, print date Febr	s Sys	tem According to Dr. 6, 2003.	Gahr	inter	net print	out, Ero	thita	n
	Bilder internet p	printout, Martin Gm	bH &	Co. KG, print date S	Septer	nber	5, 2003.			
	International Se 2003.	arch Report for PC	ΓPate	ent Application Serial	l No.	PCT/	US03/22	904, De	ceml	ber 4,
EXAMINER	•			DATE CONSIDERED						<del>:-</del>

FORM PTO-1449  INFORMATION DISCLOSURE  CITATION IN AN APPLICATION			DOCKET NUMBER APPLICATION NUMBER ACM 371 10/717,399							
			APPLICANT(S) Randall J. Huebner							
	<i>,</i>		FILING DATE November 19, 200	FILING DATE GROUP ART UNIT November 19, 2003 3732						
		U.S. PAT	ENT DOCUMENTS	S						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME		CLASS		UB ASS	FIL. DATE IF APPROP.		
	5,810,823	9/22/98	Klaue et al.							
	5,810,824	9/22/98	Chan							
	5,853,413	12/29/98	Carter et al.							
	5,855,580	1/5/99	Kreidler et al.							
	5,871,548	2/16/99	Sanders et al.							
	5,879,389	3/9/99	Koshino							
	5,916,216	6/29/99	DeSatnick et al.							
	5,904,683	5/18/99	Pohndorf et al.							
	5,919,195	7/6/99	Wilson et al.							
	5,931,839	8/3/99	Medoff							
	5,938,664	8/17/99	Winquist et al.							
		FOREIGN P	ATENT DOCUMEN	NTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLA		SUB LASS	TRAI YES	NSLATION NO		
	1225556	4/23/86	Soviet Union					XX		
	1544406	2/23/90	Soviet Union				XX			
		OTHE	R DOCUMENTS				<u> </u>	<u></u>		
		cking Custom Conto	pured Blade Plate for Pe pp. 111-116, 2003.	ri-Artici	ılar No	nunio	ns, Harve	ey et al.,		
	Salvage of Dista Clinical Orthopa	al Tibia Metaphysea edics and Related R	l Nonunions With the 90 esearch, No. 409, pp. 24	° Cannu 1-249, 2	lated B 2003.	lade I	Plate, Chi	n et al.,		
	Rib Securing Cl	amped Plate interne	t printout, Sanatmetal, p	rint date	Septen	nber 2	22, 2004.			
EXAMINER			DATE CONSIDERED							

FORM PTO-1449				CKET NUMBER CM 371			ICATI 717,39	ON NUME 99	BER	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION				APPLICANT(S) Randall J. Huebner						
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		U.S. PA	ΓENΊ	DOCUMENTS	3					
EXAMINER INITIAL	DOCUMENT DATE NUMBER			NAME		CLASS	St CL		FIL. DATE F APPROP.	
	5,941,878	8/24/99	M	edoff						
	5,954,722	9/22/99	Во	no						
	5,964,763	10/12/99	Inc	cavo et al.						
	5,973,223     10/26/99       6,001,099     12/14/99			llman et al.						
				ebner						
	6,004,323	12/21/99	Pa	rk et al.						
	6,069,040	8/1/00	Es	ser						
	6,077,266	6/20/00	M	edoff						
	6,096,040	8/1/00	Es	ser						
	6,117,160	9/12/00	Во	nutti						
	6,139,548	10/31/00	Er	rico						
		FOREIGN I	PATE	NT DOCUMEN	NTS		•			
	DOCUMENT NUMBER	DATE		COUNTRY	CL	LASS SUB		TRAN YES	SLATION NO	
	1630804	2/29/91	So	viet Union				XX		
	1644932	4/30/91	So	viet Union				XX		
		ОТН	ER D	OCUMENTS	-		-	-	•	
	Acromio-Clavic	cular Plates descrip	tion pa	ge, author and date	unkno	wn.				
	ECT Internal Fi	acture Fixation bro	ochure,	Zimmer, Inc., unda	ated.					
<del></del>	ECT Internal Fi	acture Fixation Sy	stem o	rder information bro	ochure	, Zimm	er, Inc.	, undated.		
	NexGen Osteot	omy System (OS) s	surgica	l technique brochur	e, Zim	mer, In	c., und	ated.		
EXAMINER				DATE CONSIDERED						

FORM PTO-1449			DOCKET NUMBER APPLICATION NUMBER 10/717,399						
	ORMATION DISCI ATION IN AN APPI	APPLICANT(S) Randall J. Huebner							
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_		U.S. PAT	ENT DOCUMENTS	3	·				
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME		CLASS			FIL. DATE IF APPROP.	
	6,152,927	11/28/00	Farris et al.		_				
	6,179,839	1/30/01	Weiss et al.						
	6,193,721	2/27/01	Michelson						
	6,228,087	5/8/01	Fenaroli et al.						
	6,235,033	5/22/01	Brace et al.						
	6,235,034	5/22/01	Bray						
	6,238,396     5/29/01       6,258,092     7/10/01		Lombardo					•	
			Dall		-			-	
	6,261,291	7/17/01	Talaber et al.						
	6,273,889	8/14/01	Richelsoph						
	6,283,969	9/4/01	Grusin et al.						
		FOREIGN P	ATENT DOCUMEN	NTS					
	DOCUMENT NUMBER	DATE	COUNTRY	CLAS		UB .ASS	TRAN YES	ISLATION NO	
	1683724	10/15/91	Soviet Union					XX	
	1711859A	2/15/92	Soviet Union				XX		
		OTHE	R DOCUMENTS						
	Spider <sup>™</sup> and M undated.	lini-Spider™ Limite	d Wrist Fusion System b	rochure,	Kinetio	cs Me	edical Inc	orporated,	
	Spider™ Limite	ed Wrist Fusion Sys	tem brochure, Kinetics M	ledical I	corpor	ated,	undated.		
	Zuelzer Hook P	lates description pag	ge, Codman & Shurtleff,	Inc., p. 8	08, un	dated			
EXAMINER			DATE CONSIDERED		<del></del>				

FORM PTO-1	449	DOCKET NUMBER APPLICATION NUMBER 10/717,399							
	ORMATION DISCI ATION IN AN APPL	APPLICANT(S) Randall J. Huebner							
			FILING DATE November 19, 200		ROUP AR 3732	T UNIT			
		U.S. PAT	ENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CI			TL. DATE FAPPROP.		
	6,290,703	9/18/01	Ganem						
	6,302,884	10/16/01	Wellisz et al.						
	6,302,887	10/16/01	Spranza et al.						
	6,306,136	10/23/01	Baccelli						
	6,312,431	11/6/01	Asfora						
	6,315,779	11/13/01	Morrison et al.				·		
_	6,322,562	11/27/01	Wolter						
	6,325,803	12/4/01	Schumacher et al.						
	6,331,179	12/18/01	Freid et al.						
	6,336,927	1/8/02	Rogozinski						
	6,338,734	1/15/02	Burke et al.						
		FOREIGN P	ATENT DOCUMEN	ITS	•				
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRAN YES	SLATION NO		
	1734715A1	5/23/92	Soviet Union			XX			
	611 147	5/31/79	Switzerland			XX			
		OTHE	R DOCUMENTS						
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FORM PTO-1449			DOCKET NUMBER APPLICATION NUMBER 10/717,399							
	ORMATION DISCL ATION IN AN APPL		APPLICANT(S) Randall J. Huebner							
			FILING DATE November 19, 2003	FILING DATE GROUP November 19, 2003 3732						
		U.S. PAT	ENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLA			TL. DATE APPROP.			
	6,342,055	1/29/02	Eisermann et al.							
	6,342,075	1/29/02	MacArthur							
	6,355,036	3/12/02	Nakajima							
	6,355,042	3/12/02	Winquist							
	6,364,881	4/2/02	Apgar et al.							
	6,364,883	4/2/02	Santilli							
	6,379,354	4/30/02	Rogozinski							
	6,402,756	6/11/02	Ralph et al.							
	6,413,259	7/2/02	Lyons et al.							
	6,428,542	8/6/02	Michelson							
	6,436,103	8/20/02	Suddaby							
		FOREIGN P	ATENT DOCUMEN	TS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRAN: YES	SLATION NO			
	2245498	1/8/92	United Kingdom			XX				
	WO82/01645	5/27/82	WIPO			XX				
		OTHE	R DOCUMENTS				<u> </u>			
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			APPLICANT(S) Randall J. Huebner							
			FILING DATE November 19, 200	FILING DATE GROUP ART November 19, 2003 3732						
		U.S. PAT	ENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CL	.ASS	SUB CLASS		L. DATE APPROP.		
	6,440,135	8/27/02	Orbay et al.							
	6,454,769	9/24/02	Wagner et al.							
	6,454,770	9/24/02	Klaue							
	6,458,133	10/1/02	Lin							
	6,514,274	2/4/03	Boucher et al.							
	6,520,965	2/18/03	Chervitz et al.							
	6,533,789	3/18/03	Hall, IV et al.							
	6,565,570	Sterett et al.								
	6,623,486	9/23/03	Weaver et al.			]				
	6,682,531	1/27/04	Winquist et al.							
	6,682,533	1/27/04	Dinsdale et al.			ĺ				
		FOREIGN P	ATENT DOCUMEN	TS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLAS			LATION NO		
	WO87/02572	5/7/87	WIPO			X	X			
	WO88/03781	6/2/88	WIPO			X	X			
		OTHE	R DOCUMENTS							
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FORM PTO-1449			DOCKET NUMBER APPLICATION NUMBER 10/717,399						ER
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		U.S. PAT	EN'	Γ DOCUMENTS					
EXAMINER INITIAL	DOCUMENT NUMBER	DATE		NAME	(	CLASS			FIL. DATE FAPPROP.
	6,712,820	3/30/04	0	rbay					
	6,736,819	5/18/04	Ti	pirneni					
	2001/0011172	8/2/01	0	rbay et al.					
	2002/0032446	3/14/02	0	rbay					
	2002/0055741	5/9/02	So	chlapfer et al.					
	2002/0143336	10/3/02	Н	earn					
	2002/0147453	10/10/02	G	ambale					
	2002/0156474	W	ack et al.						
	2003/0055429	3/20/03	Ip	et al.					
	2003/0105461	6/5/03	Pι	ıtnam					
	2003/0153918	8/14/03	Pι	ıtnam et al.					
		FOREIGN P.	ATI	ENT DOCUMENT	ΓS				_
	DOCUMENT NUMBER	DATE		COUNTRY	CLASS		SUB CLASS	TRAN YES	SLATION NO
	WO96/29948	10/3/96	w	'IPO			-	XX	
		OTHE	R D	OCUMENTS				•	
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FORM PTO-1449				CKET NUMBER CM 371			PLIC. 0/71		ON NU	JMBE	ER
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				ING DATE November 19, 2003	3		OUP 732	ART	UNII	Γ	
		U.S. PAT	EN'	T DOCUMENTS							
EXAMINER INITIAL	DOCUMENT DATE NUMBER			NAME		CLA	ss	SU CLA			L. DATE APPROP.
	2003/0233093	12/18/03	М	oles et al.							
	Re. 31,628	7/10/84	A	llgower et al.							
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